

Delegation meeting - Minutes

- **Date:** 24th October 2023
- **Time:** 11:00 – 12:30
- **Meeting held:** via Teams

Attendees: Cllr Martin Cahn (Chair of Planning Committee), Cllr Peter Fane (Vice Chair of Planning Committee), Rebecca Smith (RS) Delivery Manager (DM West & Compliance), Tom Gray (Principal Planning Officer)

Apologies: None

Minutes approved by: Cllr Martin Cahn 28.10.2023

23/01751/S106A -2-7 (inclusive) St Mary's Close, Whaddon

Modification of planning obligations contained in a Section 106 Agreement dated 3rd June 2011 made between (1) South Cambridgeshire District Council (2) Bedfordshire Pilgrims Housing Association Limited in relation to Land at Church Street Whaddon. Planning Ref: S/1047/10/F.

Reason for Call-in Request:

Parish Council request –

- Concerned with the removal of the words in perpetuity.
- Originally stipulated that the development were to be kept as affordable homes.
- If approved, the Parish need to be assured that the properties will never be sold on the open market.
- Needs to be confirmed in practical terms, that the new clause will not have any effect on present and future tenants, especially should BPHA get into financial difficulties.
- Lack of clarity that exists among local elected members.
- No.8 appears to have been sold on the open market in Spring 2019, even though it was built as part of the social housing scheme and original land sold at agricultural rates as an exception site. Ask for investigation.

Key considerations

The Case Officer (TG) introduced the application outlining the existing context of the site and surrounding area, outlined the proposal and planning history. This application is to modify wording contained within the S106 Legal Agreement attached to the original planning permission. Unfortunately, there is no staircasing requirement contained within the existing S106 agreement for the shared ownership properties which were part of the original consent to remain as such, (for example restricting the ownership at 80%) and as a result one has already been sold on the private market. One shared ownership property remains on the site.

There are 6 affordable rent properties on the site, this application is to modify the wording contained within the S106 agreement relating to the mortgagee in possession clause. The proposed amendment will allow the Registered Housing Provider to raise funds for new development using this existing stock as security, and for the houses to be valued at market value (subject to tenancy), rather than social housing. Changing this clause on the affordable

rented properties will not impact on the provision of affordable housing, they will be retained as affordable rent properties.

This amendment would be consistent with the wording that would currently be applied in a s106 if the application came forward today and has been Council Policy since 2021. As such there appears to be no implications for policy, the change relates to how the land / properties are valued and does not relate to changes to the type or provision of affordable housing. On this basis in consultation with the Chair of the Planning Committee, the Delivery Manager considered, on balance, the proposal should not be referred to the planning committee.

Decision

Do not refer to Planning Committee